

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

**IN RE: ETHICON, INC., PELVIC
REPAIR SYSTEM PRODUCTS
LIABILITY LITIGATION**

**Master File No. 2:12-MD-02327
MDL No. 2327**

THIS DOCUMENT APPLIES TO:

**Joseph R. Goodwin
UNITED STATES DISTRICT JUDGE**

**ETHICON ELECTION WAVE (PTO 298)
CASES LISTED IN EXHIBIT A**

**WITHDRAWAL OF NOTICE OF ADOPTION OF PRIOR *DAUBERT* MOTION TO
EXCLUDE ROBERT D. MOORE, D.O., FOR ETHICON ELECTION WAVE (PTO 298)**

Defendants hereby adopt and incorporate by reference the *Daubert* motion filed against Robert D. Moore, D.O. for Ethicon Wave 5, Case No. 2:12-md-02327, Dkt. 4341 (motion) and Dkt. 4343 (memorandum in support), which incorporated Defendants' Ethicon Wave 1 briefing, Case No. 2:12-md-02327, Dkt. 2119 (motion) and Dkt. 2120 (memorandum in support), as well as the Wave 5 Reply in Support of Motion to Exclude General Causation Testimony of Robert D. Moore, D.O., Dkt. 4624.

Defendants respectfully request that the Court exclude Dr. Moore's testimony for the reasons expressed in the Ethicon Wave 1 and 5 briefing.

This notice applies to the Ethicon Election Wave (PTO 298) case identified in Exhibit A attached hereto.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ William M. Gage

EXHIBIT A TO DEFENDANTS' NOTICE OF ADOPTION OF PRIOR *DAUBERT*
MOTION TO EXCLUDE ROBERT D. MOORE, D.O., FOR ETHICON ELECTION
WAVE

Smallridge, Audrey & Theron – Case No. 2:12-cv-02956